U.S. Serial No.: 10/598,223

U.S. Filing Date: August 22, 2006

Response to Notice of Non-Compliant Amendment dated April 21, 2009

Attorney Docket No.: 3124.006A

## **REMARKS**

As provided in the Notice of Non-Compliant Amendment mailed on April 21, 2009, the amendment filed on March 10, 2009 included new claims 51-54 that had been inadvertently underlined. By this amendment, the underlining of these claims has been removed.

Without acquiescing to the proprietary of the rejections in the Office Action dated November 12, 2008, claims 35, 36, 38, 40, 41, 42, 43, 46, 47, 49 and 50 have been amended. New claims 51-54 have been added in this response. Claims 11-34, 37, 44, 48 and 50 have been canceled. Entry of this amendment, reconsideration of the application, allowance of all claims pending herein are respectfully requested in view of the remarks below. Claims 35, 36, 38-43, 45-47,49 and 51-54 are now pending.

U.S. Serial No.: 10/598,223

U.S. Filing Date: August 22, 2006

Response to Notice of Non-Compliant Amendment dated April 21, 2009

Attorney Docket No.: 3124.006A

## **CONCLUSION**

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

John W. Boger Attorney for Applicant

Reg/No. 56,658

Dated: May 15, 2009

HESLIN ROTHENBERG FARLEY & MESITI P.C.

5 Columbia Circle

Albany, New York 12203-5160 Telephone: (518) 452-5600 Facsimile: (518) 452-5579